

### Claim Amendment

Newly added Claims 23 and 24, directed to the subject matter of page 8, lines 1-3, have been added. Entry of the same is respectfully requested.

### Restriction Requirement

Restriction has been required in the case between the following designated separate and distinct inventions:

Group I: Claims 1-4 and 8-11;

Group II: Claims 5, 6, 12, 13 and 15-22;

Group III: Claims 7 and 14.

In reply to the requirement, applicants hereby elect Claims 1-4 and 8-11 for examination with traverse.

Applicants respectfully traverse the requirement on the basis that the Examiner has not clearly demonstrated on the record that the identified groups of claims are, in fact, separate and distinct. In particular, the Examiner has made nothing other than unsupported allegations that the inventions identified as I and II are separate and distinct. To the contrary, the catalyst of Claim 5 clearly requires the magnesium compound of Claim 1 for its preparation, and as to other uses of the magnesium compound of Claim 1, the proffered use as an anti-acid agent is clearly speculative.

As to the relationship between inventions I and III, it is clear that the methods of Claims 7 and 14 require the use of the catalysts of Claims 5 and 12, respectively and that the catalysts of Claims 5 and 12 require the magnesium compounds of Claims 1 and 8, respectively. Accordingly, the stated lack of relationship between the inventions designated as I and III is not evident. Moreover, in designating the two invention categories as separate and distinct, nothing

other than brief summary statements have been made in support of the position, and such are inadequate to maintain a position of separate and distinct inventions.

The Examiners position as to invention categories II and III is also believed to be inadequately supported for similar reasons to those stated above. Again nothing other than summary statements have been made as to how to demonstrate separate and distinct inventions. Such are inadequate to support a holding of separate and distinct inventions.

Finally, it is clear that a complete search of the invention can be made in the search of three subclasses, and such would not seem to place an undue search burden upon the Examiner. Withdrawal of the restriction requirement is respectfully requested.

It is now believed that the application is in proper condition for consideration on its merits.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Norman F. Oblon  
Attorney of Record  
Registration No.: 24,618

Frederick D. Vastine, Ph.D.  
Registration No.: 27,013



**22850**

TEL: 703-413-3000  
FAX: 703-413-2220

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**MARKED-UP COPY OF AMENDMENT AND RESPONSE TO  
RESTRICTION REQUIREMENT**

**IN THE CLAIMS**

Please add new Claims 23 and 24 as follows:

--23. (Newly Added) The magnesium compound as claimed in Claim 1, wherein the alcohol is ethanol.

24. (Newly Added) The magnesium compound as claimed in Claim 8, wherein the alcohol is ethanol.--